

**MINUTES OF THE MILLVILLE
TOWN COUNCIL REGULAR & TELECONFERENCE MEETING
October 13, 2020 @ 7:00 PM**

In attendance were Mayor Steve Maneri, Deputy Mayor Ronald Belinko, Treasurer Sharon Brienza, Secretary Barbara Ryer, Council Member Peter Michel, GMB Representative Andrew Lyons Jr., Town Manager Debbie Botchie, and Town Clerk Matt Amerling.

1. CALL MEETING TO ORDER

Mayor Steve Maneri called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Mayor Steve Maneri stated everyone was present.

4. ADOPTION OF TOWN COUNCIL MINUTES

A. Adoption of Town Council Minutes – September 8, 2020

B. Adoption of Town Council Workshop Minutes – September 22, 2020

Treasurer Sharon Brienza motioned to approve the September 8, 2020, Town Council meeting minutes and the September 22, 2020, Town Council Workshop meeting minutes. Deputy Mayor Ronald Belinko seconded the motion. Motion carried 5-0.

5. FINANCIAL REPORT – Treasurer Sharon L. Brienza

A. September 2020

Treasurer Sharon Brienza read the Financial Report for the month ending 9/30/20.

September 30, 2020:

General Revenue:	\$ 156,876.	Restricted Revenue:	\$ 345,917.
General Expenses:	63,139.	Restricted Expenses:	48,547.

6. ADMINISTRATIVE MATTERS

A. Administrative Report for September 2020

Mr. Belinko stated regarding the crimemapping, he noticed there were two (2) stops for driving under the influence (DUI), and noticed the larceny of political signs and pavers out of yards. Town Manager Debbie Botchie stated yes, the pavers were out of one of the communities where the pavers were being installed for a patio project. Mr. Belinko stated he wanted to recognize the unusual stops for DUI, adding to the usual three (3) incidents usually reported every month. Mayor Steve Maneri asked Ms. Botchie the status of the pickleball court construction (and the pierced fiber optic cable). Ms. Botchie stated she just found out today there is a pipe which needs to be fixed before the contractor building the pickleball courts can go back in; however, the guys with the

pipings are on another schedule. Ms. Botchie stated she doesn't think the fiber optic cable can be saved because the auger went down so far, it pulled it and it will be very costly to replace. Ms. Botchie stated they are trying to get the pipe fixed so the pickleball contractor can get back to work.

7. CITIZENS' PRIVILEGE

There were no comments.

8. NEW BUSINESS

A. Discussion, Consideration, and Possible vote on Resolution 21-13. A Resolution to release performance bond #5040681 prepared by Bond Safeguard Insurance Company, in the amount of \$175,412.50 in the name of Dove Barrington LLC, the developer of Bishop's Landing 1 Phase 2. The developer is required to have in place a warranty bond in the amount of \$17,541.25. The Resolution will also approve the transfer of improvements to the Bishop's Landing Home Owners Association.

Deputy Mayor Belinko and Council Member Peter Michel abstained from the discussion. Mr. Andrew Lyons Jr., of GMB, stated this is for Phase Two (2) of Bishop's Landing one (1), and has been inspected a number of times, the last time being when phases one (1) and five (5) were being released in June 2020. Mr. Lyons stated on all four (4) of tonight's bonds up for release, there were two (2) items which held these up for all phases to come up for review all at once. Mr. Lyons stated those items have been fixed, they've been tested, they've gone through a couple rain events and the drainage issue has been fixed on both of those. Mr. Lyons stated on phase two (2), there were no issues he saw even as he went out there again today and did a drive-through, reviewed the landscaping, and everything looked good. Secretary Barbara Ryer asked if someone from the Bishop's Landing homeowners' association (HOA) accompanied Mr. Lyons on the walk-through. Mr. Lyons stated no, not with him. Ms. Ryer asked if a HOA representative went with the builder. Mr. Steve Frisina, of Beazer, stated no, and his understanding is it is not required for someone from the HOA to accompany them. Ms. Botchie stated it is not required for a HOA or a resident to go on these walk-throughs; it was only allowed one (1) time and that was because there was an issue with the landscaping plan in Summerwind Village and then-Mayor Gordon allowed a couple of the HOA people to do the walk-through. Ms. Botchie stated Town Code & Building Official Eric Evans has been out there a few times and residents always call to see if the Town can check one thing or another, but it is not a requirement. Mr. Lyons stated people from the HOA have done walk-throughs from time to time, and the Town has had concerns from the HOA throughout the times, but the walk-throughs are not a quick process as they started almost a year ago, getting everything prepared and corrected to get to this point. Mr. Frisina stated Mr. Lyons is very thorough in his reviews.

Ms. Ryer motioned to approve Resolution 21-13. Ms. Brienza seconded the motion. Motion carried 3-0-2 abstentions by Mr. Belinko and Mr. Michel.

B. Discussion, Consideration, and Possible vote on Resolution 21-14. A Resolution to

release performance bond #K08926566 prepared by ACE INA Group, in the amount of \$677,761.25 in the name of Dove Barrington LLC, the developer of Bishop's Landing 1 Phase 3. The developer is required to have in place a warranty bond in the amount of \$67,776.12. The Resolution will also approve the transfer of improvements to the Bishop's Landing Home Owners Association.

Mr. Lyons stated this is for Phase Three (3), which Mr. Lyons walked through again today. Mr. Lyons stated one (1) issue was found on landscaping but it has already been discussed with the developer and is scheduled to be fixed by the end of the week. Mr. Lyons stated one (1) tree has been damaged and removed between the inspections. Mr. Lyons stated on the last inspection a few months ago, there was about twenty-three (23) to twenty-seven (27) trees which were replaced, of which this damaged tree was not one of those as it was in place and healthy at the time. Mr. Lyons stated the aforementioned tree looks like it was hit or damaged somehow and it's been removed between the two (2) inspections, so the tree will be back in by the end of the week. Mr. Lyons stated the Town also has the one (1)-year maintenance warranty on the trees and the landscaping within the right-of-way (ROW). Mr. Lyons stated one additional thing for all these bonds tonight is the transfer happens once the warranty bond is in the Town's possession, which starts the clock on the one-year warranty period. Ms. Ryer asked if the ten percent (10%) being held is industry standard. Mr. Lyons stated yes.

Ms. Brienza motioned to approve Resolution 21-14. Ms. Ryer seconded the motion. Motion carried 3-0-2 abstentions by Mr. Belinko and Mr. Michel.

- C.** Discussion, Consideration, and Possible vote on Resolution 21-15. A Resolution to release performance bond #SNN4003692 prepared by Nationwide Mutual, in the amount of \$457,446.25 in the name of Dove Barrington LLC, the developer of Bishop's Landing 1 Phase 4A. The developer is required to have in place a warranty bond in the amount of \$45,744.62. The Resolution will also approve the transfer of improvements to the Bishop's Landing Home Owners Association.

Mr. Lyons stated he has no additional comments, and there were no issues from his walk-through earlier today. Ms. Ryer motioned to approve Resolution 21-15. Ms. Brienza seconded the motion. Motion carried 3-0-2 abstentions by Mr. Belinko and Mr. Michel.

- D.** Discussion, Consideration, and Possible vote on Resolution 21-16. A Resolution to release performance bond #SU1141023 prepared by Arch Insurance Company, in the amount of \$248,873.75 in the name of Dove Barrington LLC, the developer of Bishop's Landing 1 Phase 4B. The developer is required to have in place a warranty bond in the amount of \$24,887.37. The Resolution will also approve the transfer of improvements to the Bishop's Landing Home Owners Association.

Mr. Lyons stated he also has no issues with this bond, and there were no issues from his walk-through earlier today. Ms. Brienza motioned to approve Resolution 21-16. Ms. Ryer seconded the motion. Motion carried 3-0-2 abstentions by Mr. Belinko and Mr. Michel. Mr. Belinko and Mr. Michel rejoined the meeting.

E. Discussion, Consideration, and Possible vote on GMB's Long-Term Capital Reserve Study for Millville Town Hall. – Treasurer Sharon Brienza & Town Manager Debbie Botchie

Ms. Brienza stated the Town started talking about this a little over a month ago as it came up when the Town was talking about possible purchase of property; and most of us were surprised to learn the Town did not have a capital reserve study, so they were directed at that time to start looking into what it would cost to do a study. Ms. Brienza stated Ms. Botchie, Town Finance Director Lisa Wynn and she met with Morgan and Roland from GMB, and they discussed what they should have in this study along with the details, and that is what is being presented tonight. Ms. Brienza stated there are two (2) separate studies – one for municipal buildings and the surroundings, and another for the park itself. Ms. Botchie stated this is a professional service so it does not fall under the guidelines of public bidding. Ms. Brienza stated she looked through both studies and she doesn't think there's anything GMB missed from their discussion with the Town. Ms. Botchie stated she also had Mr. Evans review these items and the only thing Mr. Evans commented on was the pond at the park. Ms. Botchie stated the security cameras at the park are not a part of this as the Town has its own separate maintenance and warranty on those. Ms. Brienza stated this is just the first part in that it's getting the quote to do the actual study. Mayor Maneri asked regarding the playground area at the park, if the Town was going to have GameTime do a study on it. Ms. Botchie stated the Town is going to have a maintenance contract with GameTime but it's just for a yearly maintenance GameTime has to do; but it's Ms. Botchie's understanding GameTime has to do quite a few checks. Ms. Botchie stated the Ocean View town manager informed Ms. Botchie Ocean View's public works guy has a checklist and Ocean View has to go through these checks every week. Ms. Botchie stated she has not yet seen this checklist from GameTime but she will contact GameTime to get an update on it.

Ms. Ryer stated she reviewed the document, it's pretty comprehensive and thanked Ms. Brienza and Ms. Botchie for taking on this project. Ms. Ryer stated regarding the study for the park, because it's new and not exactly knowing what will be added to it so things could change, Ms. Ryer doesn't see it as a big rush to get the study done there and she recommends waiting on the park study. Ms. Ryer stated she would also recommend getting a second bid for these items to make sure the Town is getting a good price because it's a little higher than she would like it to be. Ms. Brienza stated the Town didn't get another bid because GMB already has all of the Town's information, including the plans, and the Town would have to go through the expense of providing the information and plans to another company. Mayor Maneri stated he agrees Council should hold off on the park since it's not even open yet so Council can wait on the park, but he will agree with the Town Hall survey. Mr. Belinko stated he agrees with Ms. Ryer and Mayor Maneri, and thinks it's a good move to have a capital improvement plan in place.

Ms. Brienza motioned to approve GMB's Long-Term Capital Reserve Study for Millville Town Hall. Mr. Belinko seconded the motion. Motion carried 5-0.

F. Discussion, Consideration, and Possible vote on GMB's Long-Term Capital Reserve Study for Evans Park at Millville. – Treasurer Sharon Brienza & Town Manager Debbie Botchie

Ms. Ryer asked if Ms. Brienza could go back to GMB and ask for a “best and final.” Ms. Brienza stated yes. There was no motion so the item was dropped.

G. Discussion, Consideration, and Possible vote on Pickleball Court Rules.

Mr. Belinko stated months ago, at the February 25, 2020, Council workshop meeting, Council presented rules for the park, and he was tasked with presenting rules for the pickleball courts. Mr. Belinko stated the park rules were approved but he's here tonight to present the rules for the pickleball courts, which he wants to remind everyone are public facilities. Mr. Belinko stated the first rule is pickleball courts are to be used for pickleball only so it covers any other use being prohibited. Mr. Belinko stated the Town's use of the courts or park land have precedence over anyone else when it comes to using the courts, and the Town wants to make sure a group of people don't use the courts with reserving them, or that someone doesn't teach paid lessons without permission. Mr. Belinko stated regarding groups reserving the court(s) for a tournament, the Town should want to keep that to a minimum but Ms. Botchie is researching pricing for renting the courts for a tournament, and pricing should include post-event clean-up because it gets pretty messy after a long tournament. Mr. Belinko stated the Town has the park rule of the park being open from sunrise to sunset, but the Town has lighted pickleball courts, so will there be another set of rules for the pickleball courts as far as lights are concerned? Mr. Belinko stated in a few weeks, it will be daylight savings and it will get darker earlier, and pickleball players play until the first snowfall, clear the snow, and play again – so it's a year-round venture. Mr. Belinko stated he didn't put an exact time in here because of the park sign but there isn't anything about the lighted pickleball courts, so it's up for Council's discussion. Ms. Brienza stated if the Town is going to have lights on the pickleball courts, and they go on at sunset, Ms. Brienza doesn't think there's any way the Town can keep the rest of the park closed. Ms. Brienza stated there will be no one present at the park to enforce making sure people don't use the lit-up courts when the park is closed. Mr. Belinko stated he understands lights can be put on timers, but when you're putting out a bid for forty-thousand dollars (\$40,000.00) for lights, will the Town use the lights or not use them? Mr. Belinko stated the bottom line is the Town has a park sign created with the park hours of sunrise to sunset, so should there be separate rules for the courts? Ms. Brienza asked how badly Council wants lights on the courts. Mayor Maneri stated the process is already being done and Council did discuss this at its July 14, 2020, meeting, but there was never an answer made because there was also mention of when Parkside (development) gets done next to the park, and how could people be playing at night. Mayor Maneri stated this is a subject he's not sure Council wants to go along with but it's something they have to review, because Parkside will not want to hear the pickleball bouncing back and forth or the paddle hitting the ball at night. Mayor Maneri stated it was discussed at the July 14, meeting whoever is reserving the court(s) for a tournament would have to come to the Town to officially pay for reserving the court(s). Ms. Ryer stated the Town's noise ordinance per its Code is eleven o'clock (11 p.m.) and

Ms. Ryer doesn't see anyone playing until 11 p.m. Mr. Belinko stated if the Town allows it, the players will. Town Clerk Matt Amerling stated if that is the case, the Town shouldn't allow it, and make the lights timed so they go off at a particular time.

Mayor Maneri stated with regards to the limited play of one (1) hour if someone else is waiting their turn to use the court(s), Mayor Maneri thinks the limit should instead be one (1) game of eleven (11) points as he doesn't think one (1) team should be able to stay for one (1) hour. Mr. Belinko stated the rules have to be simple because there's no one to monitor these courts like there are at clubs or courts with HOAs. Mr. Belinko stated another reason to be careful with this aspect is because in schools, pickleball is a part of physical education curriculum, and the Town doesn't want to discourage young people from using the courts when it's dominated by adults. Mr. Belinko stated with the one (1) hour rule, it's simple for someone walking up to know they have to wait one (1) hour until the current player(s) is done. Mayor Maneri stated he doesn't see too many courts around here which are monitored, and everybody knows players have to be out after eleven (11) points because that's when a game is over. Mayor Maneri stated by making the limit one (1) hour, the players can just keep playing repeatedly. Mr. Belinko stated he respectfully disagrees because the court use is monitored at Bishop's Landing, at the old high school, and down in Ocean City to keep the flow going. Mayor Maneri stated it is not monitored in Millville by the Sea (MBTS), or at John M. Clayton Elementary School, so they can go back-and-forth on this issue. Mr. Belinko stated his reasoning for one (1) hour is because if he and someone else who is not as experienced at pickleball start a game, someone walks up to use the court, and because his other player is not as experienced, the game is over in ten (10) minutes, then they're done and have to leave, and they only had ten (10) minutes when they may have been waiting for the court for an hour or so. Ms. Brienza and Ms. Ryer stated Mr. Belinko brought up a good point. Mr. Belinko stated he has thought through these rules as he has his background in public facilities and teaching classes, so he knows how it works, but this is his recommendation. Ms. Ryer stated she thinks the court use hours issue still needs some more thought. Ms. Brienza stated she would move the rule of "Use Pickleball Courts at Your Own Risk" to the top. Mr. Belinko stated he agrees, and Mayor Maneri's suggestion of timing is also taken under consideration. Mr. Belinko stated if the lights on the pickleball courts are on, the courts are right next to the kids' playgrounds so people will be coming into play pickleball and letting their kids play on the playgrounds. Mr. Michel asked if there is some way the Town can turn the pickleball court lights off. Mr. Belinko stated yes, the lights could be on a timer. Mr. Michel stated the timer sounds like the answer as to whether to leave the lights on. Mr. Belinko asked Council whether they wanted the one (1) hour of limited play or one (1) eleven (11)-point game. Ms. Ryer asked if the Town could put both options in the rules. Ms. Brienza stated not really because someone could still take less time. Mayor Maneri stated there are three (3) courts so there are other options for those waiting, and if the play is one (1) hour, the new people coming in have to wait a full hour for the court to free up. Mayor Maneri asked who will hold the current players to the hour. Ms. Ryer stated it really is an honor system, but Ms. Ryer understands because these courts could be monopolized by the "professionals" and people who are experienced with the sport, and it could become a problem for the rest of the public. Mayor Maneri stated if someone is learning the sport, it will take them longer to get to eleven (11) points, so the players will be in the court longer.

Ms. Ryer asked how long a typical game lasts. Mayor Maneri stated about fifteen (15) minutes. Mr. Belinko stated the rules would be a limit of one (1) hour only if others are waiting, so, if no one's waiting, you could be there all day. Ms. Brienza stated she is good with these rules, but the only issue is the lights. Ms. Botchie stated in an Ocean City reservation form, regarding hours, it states "park hours are from dawn to dusk for picnics, shelters, piers, patio and other park areas unless otherwise approved by the facilities supervisor." Ms. Botchie stated Ocean City has hours for lighted fields and areas, indoor facilities such as gymnasiums and meeting rooms as being between 8 a.m. and 11 p.m. Mayor Maneri stated the only neighbors Ocean City has at that location is the bay. Mr. Amerling stated Ocean City also has a big public works department as well as other departments that can monitor these things, turning the lights on and off. Ms. Ryer stated she likes Mr. Michel's suggestion of timers. Ms. Brienza stated it still needs to be decided what time the timer would have a cut-off. Mayor Maneri stated when it starts getting colder and darker earlier, players usually go to either Ocean City, Lewes, or Georgetown where there are indoor courts because people don't play outside too much due to the wind. Mr. Belinko stated he's "seeing things different" because players are using the Bishop's Landing outdoor courts all winter.

Ms. Brienza motioned to adopt the pickleball court rules presented with knowing Council still needs to sort out operation of the court lights and decision over the hours of operation. Ms. Ryer seconded the motion. Motion carried 4-1 with Mayor Maneri as the "no" vote.

H. Discussion, Consideration, and Possible vote on Pickleball Court Reservation Costs for Tournaments.

Ms. Botchie stated looking at reservation costs, you have to charge if someone is having a tournament or a clinic. Ms. Botchie stated she would like to table this matter because she found a document today called "facility use application" and the Town could use it for the community center, the pavilion, and the pickleball courts. The item was tabled.

9. CITIZENS' PRIVILEGE

Ms. Mary Thomas, of Old Canal Lane, stated, regarding the Bishop's Landing resolutions for items B and C, the areas of concern are where the drains were installed on Old Canal Lane and on Bellevue Court. Ms. Thomas stated she is chairperson of the roads committee for Bishop's Landing and the committee observed the drain boxes were not installed per the manufacturer's installation instructions. Ms. Thomas stated when questioned, the builder came back stating the way it was done was the acceptable method; but with the meeting she had with the two (2) new HOA representatives, the iron grate was supposed to be installed rather than the plastic grate. Ms. Thomas stated she is confused and asked if there was any post installation inspection by the Town engineer. Ms. Botchie stated she could not answer the question and Mr. Lyons has left the meeting, and Ms. Botchie is not sure this item falls within the bonded improvement area; but Ms. Botchie will be in touch with Ms. Thomas tomorrow to address her question. Ms. Thomas stated one of their concerns is the grate will fail when either a person weighing more than two-hundred (200) pounds stands on the grate or a vehicle is parked on the grate.

10. **ANNOUNCEMENT OF NEXT MEETING - Town Council Workshop Mtg., October 27, 2020**

11. **ADJOURNMENT**

Ms. Brienza motioned to adjourn at 7:47 p.m. Mr. Belinko seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk